



FOLEY & LARDNER LLP

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FACSIMILE TRANSMISSION

Total # of Pages 28 (including this page)

TO:	PHONE #:	FAX #:
Examiner Anthony D. Barfield U.S. Patent and Trademark Office	571-272-6852	571-273-8300

From : Kristy J. Downing
Email Address : kdowning@foley.com
Sender's Direct Dial : 414.297.5576
Date : March 9, 2007
Client/Matter No : 026032-4896
User ID No : 9347

MESSAGE:

If there are any problems with this transmission or if you have not received all of the pages, please call 414.297.5444.

Operator:	Time Sent:	Return Original To: Carolyn Simpson
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Cover Page 1 of 1

MILW_2237801.1

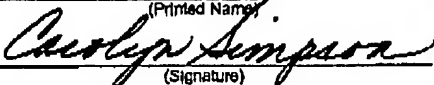
PAGE 1/28 * RCVD AT 3/9/2007 7:05:59 PM [Eastern Standard Time] * SVR:USPTO-EFAXRF-3/11 * DNIS:2738300 * CSID:4143197016 * DURATION (mm-ss):06-44

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Atty. Dkt. No. 026032-4896

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SATO et al.
Title: AUTOMOBILE SEAT
Appl. No.: 10/529,274
International Filing Date: 7/25/5003
371(c) Date: 9/23/05
Examiner: BARFIELD, ANTHONY D.
Art Unit: 3636
Conf. No.: 4434

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. Carolyn Simpson (Printed Name)  (Signature) March 9, 2007 (Date of Deposit)

REQUEST TO SET A NEW PERIOD FOR REPLY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to MPEP §710.06, Applicant respectfully requests that a new period for reply to the Office Action dated December 21, 2006 be set, because the Office Action contains an error that affects Applicant's ability to reply to the Office Action. Specifically, the December 21, 2006 Office Action is incomplete because it does not address pending Claims 22-25.

On July 21, 2006, Applicant submitted an Amendment and Reply. *See* Exhibit A. In the Amendment and Reply, Applicant presented new Claims 22-25. *See* Exhibit A, pages 5 and 7. On December 21, 2006, the PTO mailed an Office Action responding to the July 21, 2006

MILW_2236915.2

Atty. Dkt. No. 026032-4896

Amendment and Reply. The December 21, 2006 Office Action rejected Claims 6-8, 10-16 and 18-21 and objected to Claims 9 and 17. See Exhibit B. No mention was made of Claims 22-25.

On February 12, 2007, the undersigned and Examiner Barfield spoke by telephone about this application. It was determined that Claims 22-25 were overlooked by the Examiner. The Examiner indicated that he would mail a corrected Office Action setting a new period for reply. The Examiner indicated that if he later required a request in writing, he would telephone the undersigned.

On March 8, 2007, the undersigned telephoned the Examiner to inquire about the corrected Office Action. Pursuant to that conversation, Applicant submits this written request for a corrected Office Action and a new period for reply substantially equal to the time remaining in the reply period from the date Applicant notified the PTO of the error in the Office Action (i.e., February 12, 2007).

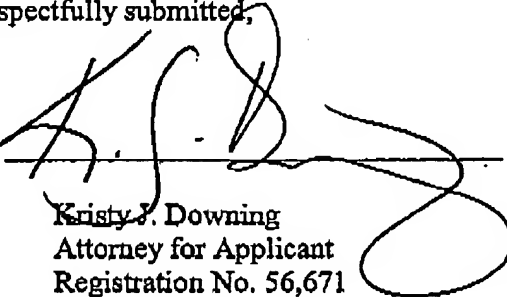
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date 3-9-2007

FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (414) 297-5576
Facsimile: (414) 297-4900

By


Kristy J. Downing
Attorney for Applicant
Registration No. 56,671

MILW_2238915.2

EXPRESS MAIL

Title: AUTOMOBILE SEAT

Inventors: Sato et al.

Dkt. No. 028032-4896

Appl. No.: 10/529,274

09347 (7/21/06)

- Extension for response filed within the first month:
- Amendment and Reply Transmittal (3 pgs.);
- Amendment and Reply Under 37 C.F.R. § 1.111 (14 pgs.);
- Credit Card Payment Form for \$120.00 (1 pg.).

Due Date: 08/21/2008
Date Filed: 07/21/2006

Attorney Initials: KJD
Insp. By:



MILW_2051370

KS
7/27/06



EV 329813234 115

EV 829867828 US



Customer Copy:
Label 11-5, April 2004

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Package <input type="checkbox"/> or Weight <div style="font-size: 1.5em; font-weight: bold;">4.6</div>	2nd Day <input type="checkbox"/> 3rd Day <input type="checkbox"/>	Insurance Fee \$	Signature Required <input type="checkbox"/> Signature <input type="checkbox"/> Signature <input type="checkbox"/> Signature
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(6)

KRISTY J. DOWNING - 926032-4896

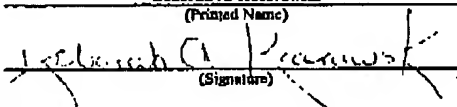
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Atty. Dkt. No. 026032-4896

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Sato et al.
Title: AUTOMOBILE SEAT
Appl. No.: 10/529,274
International Filing Date: 07/25/5003
371(c) Date: 09/23/2005
Examiner: Barfield, Anthony Derrell
Art Unit: 3636
Confirmation No.: 4434

CERTIFICATE OF EXPRESS MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
EV #19867828 US	July 31, 2006
(Express Mail Label Number)	(Date of Deposit)
Deborah A. Kocorowski	
(Printed Name)	
	
(Signature)	

BEST AVAILABLE COPY

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND REPLY TRANSMITTAL

Transmitted herewith is an Amendment and Reply in the above-identified patent application.

☒ [X] Amendment and Reply Under 37 C.F.R. § 1.111 (14 pages).

☒ [X] The fee required for additional claims is calculated below:

MILW_2051337

-1-

Atty. Dkt. No. 026032-4896

	Claims As Amended		Previously Paid For		Extra Claims Present		Rate		Additional Claims Fee
Total Claims:	18	-	20	=	0	x	\$50.00	=	\$0.00
Independent Claims:	3	-	3	=	0	x	\$200.00	=	\$0.00
First presentation of any Multiple Dependent Claims:						+	\$360.00	=	\$0.00
CLAIMS FEE TOTAL									= \$0.00

☒ The Applicants hereby petition for an extension of time under 37 C.F.R. § 1.136(a) for the total number of months checked below:

<input checked="" type="checkbox"/> Extension for response filed within the first month:	\$120.00	\$120.00
<input type="checkbox"/> Extension for response filed within the second month:	\$450.00	\$0.00
<input type="checkbox"/> Extension for response filed within the third month:	\$1,020.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fourth month:	\$1,590.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fifth month:	\$2,160.00	\$0.00
EXTENSION FEE TOTAL:		\$120.00
<input type="checkbox"/> Statutory Disclaimer Fee under 37 C.F.R. § 1.20(d):	\$130.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$120.00
<input type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):		\$0.00
Extension Fees Previously Paid:		\$0.00
TOTAL FEE:		\$120.00

A credit card payment form in the amount of \$120.00 is enclosed.

Atty. Dkt. No. 026032-4896

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by the credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 06-1447.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date

Jul. 21, 2006

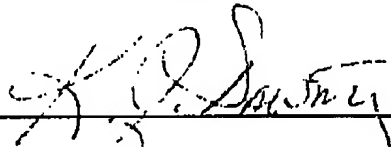
FOLEY & LARDNER LLP

Customer Number: 26371

Telephone: (414) 297-5576

Facsimile: (414) 297-4900

By



Kristy J. Downing
Attorney for the Applicants
Registration No. 56,671



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,274	09/23/2005	Not specified	026052-4886	4434
26371 7590 12/21/2006 FOLEY & LARDNER LLP 777 EAST WISCONSIN AVENUE MILWAUKEE, WI 53202-5306		<div style="border: 2px solid black; padding: 5px; text-align: center;"> RECEIVED DEC 26 2006 FOLEY & LARDNER LLP </div>		
		EXAMINER BARFIELD, ANTHONY DERRELL		
		ART UNIT 3636 PAPER NUMBER		
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE		DELIVERY MODE
3 MONTHS		12/21/2006		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

AMEND/APPEAL DUE 3/21/07
1 mo Rmndr. - 2/21/07
Final 3rd ext - 6/21/07



436
2361

Office Action Summary

Application No.

10/529,274

Applicant(s)

SATO ET AL.

Examiner

Anthony D. Barfield

Art Unit

3636

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed prior SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/12/06.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-8, 10-16 and 18-21 is/are rejected.
- 7) ☒ Claim(s) 9 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Art Unit: 3636

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 6-8, 12-16 and 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by De Filippo. De Filippo shows the use of a headrest (1) which inherently is provided on a seat with a seatback and seat cushion, including: a generally U-shaped stay (4) detachably coupled to the seatback, the stay including a generally horizontal portion (6) having an axis; and a headrest main body (2) rotatably coupled to the horizontal portion of the stay and including a receiving port (9) for receiving the horizontal portion of the stay; wherein the headrest main body rotates around the axis of the horizontal portion of the stay and wherein the receiving port is located at a position that is coaxial with the axis of the horizontal portion of the stay. The headrest main

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Art Unit: 3636

Page 3

body further has a bracket (7), a skin covering (14) and foaming material (see col. 2 line 14), whereby the skin and foam material form a recess and the receiving port is formed on a side thereof (see Fig. 1). An open length (12) along an anteroposterior direction of the recess has a diameter larger than a vertical portion (5) of the stay.

3. Claims 6-8, 10-12, 14-16 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagayasu et al. Nagayasu et al. shows the use of a headrest which inherently is provided on a seat with a seatback and seat cushion, including: a generally U-shaped stay (20) detachably coupled to the seatback, the stay including a generally horizontal portion (20b) having an axis; and a headrest main body (25) rotatably coupled to the horizontal portion of the stay and including a receiving port (25a, 25b) for receiving the horizontal portion of the stay; wherein the headrest main body rotates around the axis of the horizontal portion of the stay and wherein the receiving port is located at a position that is coaxial with the axis of the horizontal portion of the stay. The headrest main body further has a bracket (10), a skin covering (not shown see col. 5 line 6) and foaming material (see col. 4 line 66), whereby the skin and foam material form a recess and the receiving port is formed on a side thereof (see Fig. 1). The receiving port has a diameter, which is smaller than the horizontal portion of the stay.

Allowable Subject Matter

4. Claims 9 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Application/Control Number: 10/529,274
Art Unit: 3636

Page 4

Response to Arguments

5. Applicant's arguments filed 7/21/2006 have been fully considered but they are not persuasive. In response to applicant's argument that the references fail to show a "*port for receiving the horizontal portion of the stay therein...a foaming material covering the horizontal portion of the stay and bracket...wherein the hollow receiving port abuts the horizontal portion of the stay and the foaming material*", the applicant is directed to the above office action as the examiner maintains the position that the "port" so far as defined by the claim invention, is shown by the De Filippo (see Fig. 2) wherein the cross-section picture shows a receiving port located at a position that is coaxial with the axis of the horizontal portion of the stay and which abuts the horizontal portion of the stay and the foaming material. Regarding Nagayasu et al., and the argument that Nagayasu shows "*a pair of slits*" formed on the headrest pad, the examiner is of the opinion that the "slits" are indeed hollow ports with a "very" small diameter so far as defined by the claim invention. Applicant is reminded that a port serves as a "passageway" or opening (Webster's New Riverside University Dictionary).

6. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable structural novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

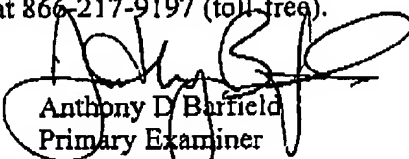
Application/Control Number: 10/529,274
Art Unit: 3636

Page 5

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony D. Barfield whose telephone number is 571-272-6852. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).



Anthony D. Barfield
Primary Examiner
Art Unit 3636

adb
December 19, 2006